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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 February 1996]

1. The human rights situation in Kosovo is permanently worsening, with the potential danger of escalation into war, which would take another international dimension.

2. Genocidal practices have been committed by the Serbian regime since 1981. Moreover, Kosovo's federal autonomy was illegally and forcefully abrogated in 1989, preventing the Kosovo Albanian population from exercising their legitimate rights.

3. As reported by the Kosovo Council for the Defence of Human Rights and Freedoms, over 150 Albanians of all ages and professions have been killed by firearms or died of physical torture by the Serbian police and army since 1989.

4. As many as 319 persons have been wounded by firearms, most of them suffering serious injuries and remaining permanently invalid. Thousands of ethnic Albanians in Kosovo have been subjected to torture and other brutal practices, resulting in permanent body and psychological damage to them, while 17 have suffered violent death in 1994 (6 of them have died as a result of torture and ill-treatment under Serbian police custody). Sixteen people have recently been killed by the Serbian police and Yugoslav Army forces during the year 1995.

5. Hundreds of thousands of ethnic Albanians have been arbitrarily detained, arrested, have had their homes raided. Thousands of Albanians have been convicted and sentenced to long prison terms in Serbian-staged and fraudulent trials, the common reason being their political ideas. The defendants have commonly been subjected to severe torture while in custody, being denied professional defence (their defending lawyers excluded during the investigative proceedings, which according to the law may last up to six months). In 1995 there were 3,487 reported cases of arbitrary arrests of Albanians by Serbian policemen and 1,460 cases of Albanians summoned to police stations for "informative talks".

6. Taking hostages and arresting innocent civilians has turned out to be a new method of abusing the Albanians. Until July 1995 there were 85 reported cases of Serbian police taking hostage family members of Albanians wanted by the Serbian police (among them 9 children and 19 women).

7. Thousands of persons and private business owners have been plundered by the Serbian police of their money, valuables, food and other assets which were seized arbitrarily. Over 540 Albanian families have been forcibly and arbitrarily evicted from their apartments while Serbs and Montenegrins usually settled in them instead. Over 140,000 Albanians have been arbitrarily fired from their jobs and Serbs and Montenegrins from Kosovo and other parts of the former Yugoslavia have been given those jobs. Mass dismissal of approximately 80 per cent of the overall number of previously employed Albanians on politically related charges has been systematically carried out by Serbian authorities. For instance, Serbian management of the following factories arbitrarily dismissed the following amount of Albanian workers in 1995:

Furniture factory in Deçan	65 Albanians dismissed
Factory "Drateks" in Dragash	130 Albanians dismissed
Factory "Ramiz Sadiku" in Landovice	60 Albanians dismissed

8. Since the abolition of the autonomous federal status of Kosovo, the Serbian Parliament has enacted 36 discriminatory laws and 470 arbitrary decrees and decisions for application under the Special Circumstances Act in Kosovo. Last year, the Serbian Parliament announced along with the Statutory decree two other discriminatory laws for adoption: the Law on Cadastral Registration (which provides the grounds for reconsideration of all Albanian-owned real estate property) and the draft Law on Citizenship which is designed in such a manner as to provide ample grounds for denial of citizenship rights to Kosovo Albanians who have emigrated abroad in the 1990s and which would make it impossible for them to return to Kosovo.

9. A persisting and increasing number of actions of the Serbian authorities was launched with sweeping arrests of former Kosovo Albanian officers in the former Yugoslav Army in early 1994 and former Yugoslav policemen by the end of the same year, as well as Kosovo Albanian political and human rights activists all throughout the period. Moreover, at the end of 1994 former Albanian employees of the Kosovo Albanian Secretariat of the Interior (predominantly policemen and inspectors) were arrested after having been dismissed years before in 1990. Over 200 former Albanian policemen were arrested on charges of having formed the parallel "so-called Ministry of Interior of the self-proclaimed Republic of Kosovo" and of endangering the territorial integrity of rump Yugoslavia by attempting to secede Kosovo from it. Serbian authorities have similarly continued with arrests of local self-proclaimed Governments in Kosovo in another wave in April 1995 in Kaçanik, Kamenica and Gjilan.

10. Arrests and detentions of some political party leaders and personalities involved such as that of the former Prime Minister of the Government of Kosovo in exile, Jusuf Zejnullahu, on 13 May 1995 (released after two days of detention) and that of the vice-president of LDK, Fehmi Agani, at the Serbian border-crossing on 12 May 1995.

11. Even more recently, in January 1996 there were 221 arbitrary arrests, 61 Albanian households raided, harassment and maltreatment of 423 people under the pretext of arms searches, 174 persons tortured, 154 cases of summons to so-called "informative conversations", among other violations of human rights and dignity.

12. The Special Rapporteur of the Commission on the situation of human rights in the territory of the former Yugoslavia described the awful situation in Kosovo. He took note of the various discriminatory measures passed in the legislative, administrative and judicial areas and the acts of violence and arbitrary arrests perpetrated against ethnic Albanians. His last report contains a broad panorama on continuing deterioration of human rights, including killing of ethnic Albanians, torture and ill-treatment of detainees, discrimination in the administration of justice, arbitrary dismissals of ethnic Albanian civil servants, discrimination against Albanian education and culture, harassment of political parties and associations of ethnic Albanians, imprisonment of ethnic Albanian political leaders and journalists, etc.

13. According to this persistent situation of mass violation of human rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities qualified these practices as a form of ethnic cleansing. In fact, since 1989 over 350,000 Albanians have fled Kosovo, mostly youngsters of draft age.

14. However, discrimination and repression against ethnic Albanian people's rights has continued since December 1995 (date of the last United Nations General Assembly resolution 50/190 of 22 December 1995). Despite the General Assembly's demand that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) put an immediate end to all human rights violations against ethnic Albanians in Kosovo, no improvement has occurred. Accordingly, the last hearings of the Permanent People's Tribunal held in Barcelona recognized evidence enough to consider that the Federal Republic of

Yugoslavia (Serbia and Montenegro) had massively and systematically violated the rights of the Albanian population in Kosovo (point V, 2, I, 8 of the final verdict).

15. The Sub-Commission similarly deemed the presence of monitoring authorities in the area a matter of high interest and accordingly reiterated the request of the Commission in this regard. Mr. Tadeusz Mazowiecki had already required a visit to Serbia and Montenegro and the establishment of a human rights office in Belgrade and in Prishtina in accordance with paragraph 36 of Commission on Human Rights resolution 1995/89, which had been absolutely disobeyed.

16. The process to assist and monitor the human rights situation should be deepened as a preventive strategy. The Council of Europe Parliamentary Assembly's resolution 1077 (1996), recommendation 1288 (1996) and order 515 (1996) are aiming at the same direction. Accordingly, at the end of February 1996 the Government of the Federal Republic of Yugoslavia announced the opening of the so-much-requested human rights office in Belgrade.

17. Therefore, the Commission on Human Rights should: (a) request the Government of the former Federal Republic of Yugoslavia (Serbia and Montenegro) to report periodically on the human rights situation in the relevant territory; and (b) to establish an office of the Centre for Human Rights in Prishtina to specially monitor the situation and human rights standards in Kosovo, as stated by the General Assembly in resolution 49/204.

18. At the same time, the Commission could also welcome the efforts made by the delegation of the United States to establish soon an official information office in Prishtina as well as the opening of two Kosovo offices in Bonn and Washington.